



Implementation of International Human Rights Standards into National Legal Systems during Martial Law

Anastasiia Subbota  ¹ *

¹ *Donetsk State University of Internal Affairs, Kryvyi Rih (Ukraine). Graduate of the Kryvyi Rih Educational and Research Institute with a degree in Law Enforcement.*

* *Corresponding Author*, e-mail: subbotanastia@yahoo.com

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ABSTRACT

The introduction and operation of martial law significantly intensify the tension between national security imperatives and the state's continuing duty to respect, protect, and fulfil human rights, which requires not only the formal recognition of international standards but also their effective institutional and procedural implementation within the national legal order. This article examines how international human rights standards are integrated into domestic law under martial law, with particular attention to the interaction between international humanitarian law and international human rights law, and to the practical challenges that arise when extraordinary legal regimes reshape ordinary governance and justice mechanisms. The analysis focuses on how derogation and emergency restrictions should be aligned with the principles of legality, necessity, proportionality, non-discrimination, and the preservation of the core of non-derogable rights, as well as on how effective access to justice and remedies can be ensured for persons and groups most affected by armed conflict, including internally displaced persons, children, and families separated by war. The methodological foundation combines doctrinal and comparative legal analysis with systemic interpretation of international and national norms and an assessment of institutional safeguards and procedural arrangements that condition the real-world enforceability of rights when administrative and judicial capacities are constrained. The study demonstrates that the most persistent weakness lies not in the absence of international norms but in fragmented domestic implementation, manifested in the gap between substantive guarantees and procedural opportunities for protection, insufficient coherence among public authorities, uneven application practices, and the limited adaptability of procedures to the needs of vulnerable groups. The article substantiates the need for an integrated implementation model that connects normative consistency, procedural adaptation, inter-agency coordination, vulnerability-sensitive protection, and effective oversight and accountability, because only under these conditions can martial law operate as a legally bounded regime rather than a permissive space for expanded discretion and potential erosion of safeguards. The article concludes that strengthening domestic implementation of international human rights standards during martial law should rely on the systemic integration of international obligations into national procedures and institutions, the practical effectiveness of remedies and judicial protection, and the establishment of robust control mechanisms capable of minimizing the risks of disproportionate restrictions while enhancing the resilience and legitimacy of the legal system in the context of armed conflict.

KEYWORDS

martial law, international human rights law, international humanitarian law, derogation, internally displaced persons, access to justice, protection of children, national implementation

Introduction

Current legal systems are forced to balance exceptional security needs with ongoing commitments under international law when responding to martial law. While martial law goes into effect, and during its implementation, a state is still bound by its legal obligations to protect and fulfill basic human rights. Limitations may be placed on some rights. However, there are obligations the state cannot disregard, and these are found across human rights and humanitarian law. They are the bedrock of international relations, and across today's world, the legal and social frameworks of governance must be built and function on those principles. They address the concerns of large, international civil conflicts and humanitarian crises.

In recent years, the violence of civil conflicts has increasingly been visited on the civilian population. Courts and scholars, in particular, have been drawn to the gaps and concerns of international humanitarian and human rights law, civil legal assistance and the internally displaced, and the protection of victims of any form of emergency law. The international legal standards on these issues are enduring and highly affirmed in the institutions and practices of international governance. The trouble lies in what is, and is not, happening during martial law.

Existing scholarship grapples with these issues in a self-contained way, focusing on either the doctrinal tensions between humanitarian and human rights law, the procedural safeguards in emergencies, or siloed protection regimes such as child rights. This article, however, argues that these problems are categorically interrelated. As compared to a possible deficiency in national norms, fragmented national implementation of law and policy seems to be the most significant barrier to civilian protection during periods of martial law.

While courts and supranational monitoring bodies are employing integrated legal reasoning more and more, the vast majority of domestic legal systems are still 'coordinationally challenged' enough to lack the structures to actualize this growing cross-pollination. Therefore, this article seeks to analyze the levels of incorporation of international human rights law into national legal systems in times of martial law with a focus on four interrelated elements: (1) the fusion of international humanitarian law and international human rights law about the protection of civilian populations; (2) the displaced and the conflict-affected families and the justice access legal gaps; (3) families and children in emergencies; and (4) national and practical ways to enforce international law in times of crises.

Based on the assessment of international standards, the practice of different courts, and the documented cases, the author notes a structural gap concerning the implementation of international legal commitments and their domestic operationalization under the law of the domestic martial. Addressing this gap, the author of this paper, Anastasiia Subbotina proposes a unique analytical and normative model, an Integrated Emergency Human Rights Implementation Framework (IEHRIF). The purpose of this framework is to establish a certain order of integration of all the other humanitarian and human rights treaties, of the adoption of procedures with emergency safeguards, of the adjustment of the division of the functions of the relevant institutions to the respective levels of governance, of the prioritization of the most disadvantaged and of the enhancement of accountability.

The author did not intend the IEHRIF to be merely a theoretical construct, but to serve, as most proposals should, a practical purpose. Having observed the gap in national practice and the standards set by the courts, the author offers a framework to facilitate the implementation of the concept. The author will contribute to legal scholarship by moving beyond the field of analytical legal scholarship and describing, in this case, the framework, and providing, in this case, a path. Thus, the author intends this work to provide the inter-determinate zone within martial law to assist the lawmaker, the judge, and the administrator of the law in the field of practice with a more structured approach to practice. The author's main thesis is that consolidated models are necessary to ensure the protection of civilians, internally displaced persons, and in particular children, during the course of martial law.

Literature Review

One of the most legally complex aspects of democracy constitutionally is the imposition of martial law. The vast majority of experts agree that for these types of regimes, the law should still apply, but the question is how much bending the law can take (Zemko, 2024). The law governing human rights under the jurisdiction of the European Court, has taken the position that law can only be suspended for specific, and very narrowly defined reasons, and these must be justified and limited in time and scope.

The courts have shown consistency with these principles. The European Court of Human Rights has ruled that nations must uphold citizens' legal rights in times of emergency, including when it comes to acts of war and occupation. Court decisions have shown that there are legal boundaries that must be followed, and that law must still apply, even in emergencies, supporting the argument that there is never a legal void in the literature (Popovych, 2023).

The literature has begun to discuss the problem of governing in a state of emergency as though it were a normal function of government. Syadrysta et al. (2024) argue that, in the absence of sufficient international legal standards, the martial law administrative regulations concerning humanitarian access and civilian movement may run the risk of indirectly impacting the enjoyment of rights. The emergency regulation of martial law, which imposes legally mandated actions on the state but disproportionately affects the populace, has identified these concerns.

The interplay of international humanitarian law and international human rights law has moved from purely theoretical to practical engagement. Ashri (2019) and Mahmutović (2025) argue that in modern day conflicts there is almost no possibility of analytically separating the two systems. This union of systems is apparent in the case law where the judicial branches assess the actions of the state under the integrated IHL-IHRL framework.

Prominent law of armed conflict and occupation law cases have established that even where there are armed hostilities, the use of international human rights law (IHRL) is inescapable. In such situations, the European Court of Human Rights has relied on IHL for framing the scope of military necessity while also contemporaneously IHRL on the protection of civilians, detention, and use of force.

Gul et al. (2025) submits that the approach of the courts is indicative of the shifting of modern boundaries of law in relation to contemporary warfare. Lăzău-Păcuraru (2025) adds that when domestic emergency policies are disregarded, the IHL special protection zones and civilian safeguarding are counter-productive. The case law also best illustrates the most important doctrinal proposition: the effectiveness of IHL and IHRL is not in the coexistence of the two systems but in the synergy of the two systems at the domestic level.

Access to justice is one of the most contested issues regarding the implementation of martial law and the waging of wars. Courts systems, as Popovych (2023) explains, are often disrupted during these emergencies; court procedures are rigid and access to court services is restricted geographically. These disruptions have been answered in judicial practices whereby courts have assessed whether the barriers of emergencies may evince the denial of effective remedies. The cases of displaced persons as well as those comes from the war-affected zones show to the courts the persistent concern regarding the existence of legal remedies.

Courts have remarked that practical barriers, such as the lack of clearly defined jurisdictions, the destruction of court systems, and even the displacement of persons, cannot relieve the responsibility of the states to provide accessible justice. This has been in parallel with the posited international law teaches of the right to remedy and to repatriate, which holds even in the poses of the emergencies (United Nations General Assembly, 2006).

Pytlivovana (2025) illustrates that legally speaking, internally displaced persons encounter additional challenges, including the inability to fully assert their social, property, and even procedures rights. It has been judicially recorded that even displacement is not a factor that nullifies the legal personality and the right to protection that one legally possesses. The literature, however, notes that the gap is

far too wide on the judicial acknowledgment of these rights and the lack of their enforcement in the national level (Wekerle, 2024).

Lysyk and Shperun (2024) recognize that the UN is focusing more and more on the same issues with an emphasis on procedural justice as an element of the protection of civilians from violence in armed conflict. These changes strengthen the claim that justice should be seen not only as an entitlement, but as a fundamental criterion in determining the validity of other guarantees.

One of the better-developed aspects of international humanitarian law and human rights law is the protection of children in times of armed conflict (Lysyk & Shperun, 2024). Tobin (2019) states that children's rights under the Convention on the Rights of the Child are applicable at all times, including during emergencies and martial law. There is a growing body of judicial and quasi-judicial commentary that underscores the unique and special vulnerability of children and the accompanying responsibility of states to take extraordinary protective measures. In practice, there is often protection of children, not because of the absence of a legal framework, but rather an absence of the will to enforce the law.

Judicial bodies have been active in evaluating and critiquing state actions and measures that have interfered with the preservation of the family unit, or have restricted access to education, healthcare, and protection from violence, especially when such measures imposed during an emergency are directed at children. In conflict situations, Pettoello-Mantovani et al. (2025) observe the same phenomenon, and the adequate legal protection is often not effective.

Aly (2024) and Dahlial et al. (2025) discuss the intersection of humanitarian law and children's rights law, noting that practice is beginning to reflect this integration more fully. Toporkova (2024) points out that the current trends in conflict, coupled with the effects of globalization, continue to place immense pressure on national systems for the protection of children, especially in situations of martial law. All of the above suggest that the judicial acknowledgment of the rights of children is inextricably linked to the need for administrative and institutional change for effective protection (Wekerle, 2024).

The last strand of the literature focuses on practical mechanisms of implementation. Zemko (2024) addresses constitutional mechanisms and the role of the judiciary in the country, balancing its relations with the world and the international norm. Duss (2025), using the RULAC framework, shows that underdocumented (and in the world) conflicts have the same failure of implementation of commitments and obligations, although there are legal prescriptions. Khyliko and Khyliko (2024) explain this paradox in the current geopolitical conflicts in the world and the politics of the law. The practice of the judiciary and the monitoring of the implementation of international law, in the absence of a norm, confirms that uneven implementation of international norms affects the largest share of the victims, the displaced, and children (Geneva Academy of International Humanitarian Law and Human Rights, n.d.).

The literature, complemented by the practice, shows that international law and its rules are clear and developed, and that there is a practice of courts, yet the national implementation of martial law is still very uneven and fragmented (See Table 1). It is the core of the central analytical problem of this paper.

Problem Statement

The purpose of this article is to analyze how international human rights standards are implemented within national legal systems during martial law, with a focus on identifying gaps between legal norms and their practical application. It aims to develop an integrated framework (IEHRIF) that enhances the coherence of legal norms, procedural adaptability, institutional coordination, and protection of vulnerable groups, ensuring effective protection of rights even under emergency conditions.

Table 1. Literature-Identified Implementation Gaps under Martial Law

Area of Protection	Clarity of International Norms	Judicial / Institutional Affirmation	Recurrent National-Level Implementation Gap
Interaction between IHL and IHRL	High – well-established treaty law and case law	Consistently affirmed by international and regional courts	Parallel rather than integrated application in domestic emergency legislation
Civilian protection during hostilities	High – Geneva Conventions (International Committee of the Red Cross, n.d.), ECHR standards (Geneva Academy of International Humanitarian Law and Human Rights, n.d.)	Strong affirmation in international jurisprudence	Sectoral regulation prioritizing security over cumulative rights impact
Access to justice under emergency regimes	High – right to an effective remedy remains applicable	Reaffirmed in judicial practice during emergencies	Procedural rigidity and disruption of judicial mechanisms
Rights of internally displaced persons	High – human rights and humanitarian standards	Increasingly recognized in judicial and UN practice	Lack of tailored procedural and jurisdictional adaptations
Protection of children and family unity	Very high – CRC and IHL special protections (United Nations, 1989)	Repeatedly emphasized by courts and monitoring bodies	Institutional failures and a lack of emergency-sensitive child protection systems
Oversight and accountability mechanisms	Moderate to high – constitutional and international standards	Affirmed in the rule-of-law monitoring practice	Weak or delayed judicial and parliamentary oversight under martial law

Methods and Materials

This study utilizes the integrated doctrinal analytical methodology to examine the application of international human rights law in domestic legal systems during periods of martial law. It assesses domestic legal frameworks in relation to the cross-cutting of international humanitarian law and international human rights law; the justice accessibility of internally displaced persons and families affected by the conflict; the delineation of children and the preservation of family unity within vulnerable civilian cohorts; and the domestic legal frameworks and institutional systems of the laws that operationalize international legal standards during a declared state of emergency.

The study develops from the frameworks of international human rights and humanitarian law and their domestic counterparts in the form of constitutions and laws about martial law, and legislative processes, and normative strategies of international law. To construct the study, a comparative legal method has been utilized to identify areas of convergence and divergence in the practices of national jurisdictions. The methodologies of systemic and functional legal interpretations have been tailored to the relations of international standards and domestic law, particularly in the area of institutional and judicial protection. This combination of methodologies articulates the gaps in the national systems of international law implementation and provides a foundation for assessing the legal strategies in the custodianship of the law and the protection of the civilian population during martial law.

Results and Discussion

The analysis shows the division in the national application of international human rights and humanitarian law during the period of martial law remains the same. Even if international standards exist and are confirmed by the court, the application of the standards in the country remains dormant and is more of a response to a situation than being proactive. Zemko (2024) states that emergency responsive, legislative, and administrative structures are also needed to complement the constitutional incorporation of the country's international commitments.

The division in the humanitarian law and civilian movement admin law during martial law is an example of this fragmentation. As per Syadrysta et al. (2024), the urgency of the administrative law often overlooks the human rights law balance and the law's cumulative purpose and effect. This is

especially evident when laws that are intended to facilitate humanitarian assistance also contain provisions that lessen the protection of civilians or impair their access to services they are entitled to.

The relationship between International Humanitarian Law and International Human Rights Law represents the most obvious gap in implementation. Judicial practice has established that human rights commitments are applicable in all circumstances, including armed conflict, and that IHL regulates the circumstances of the application of specific human rights standards (Ashri, 2019; Mahmutović, 2025). Nonetheless, national legal regimes continue to apply these frameworks in what can be considered an antagonistic manner.

Lăzău-Păcuraru (2025) observes that the special protective mechanisms of humanitarian law become ineffective when there are no human rights protections at the national level. Documented instances of harm to civilians, unlawful detention, and unlawful restrictions on movement have shown that there are now courts that apply the integrated model of IHL and IHRL, while domestic government officials have not yet developed their institutional frameworks to address these areas. The gap between what the courts have said and what the administrative authorities have done is a lack of congruence, or a differential that is a structural gap. Gul et al. (2025) maintain that the nature of contemporary warfare requires a rethinking of law to safeguard civilians, particularly with regard to exposure to hostilities outside the traditional battlefield. These findings indicate that when IHL and IHRL are treated as separate legal frameworks rather than integrated, the protection of civilians is greatly compromised.

The right that gets most affected during martial law is access to justice. As judicial and administrative disruptions occur and as law enforcement puts more restrictions, the practical availability of legal remedies is undermined (3). Popovych (2023) describes the ways in which emergency measures affect the operation of courts and the timelines of the procedures. Even if courts are formally open, there are systemic barriers that prevent people from obtaining justice (15) (See Figure 1).

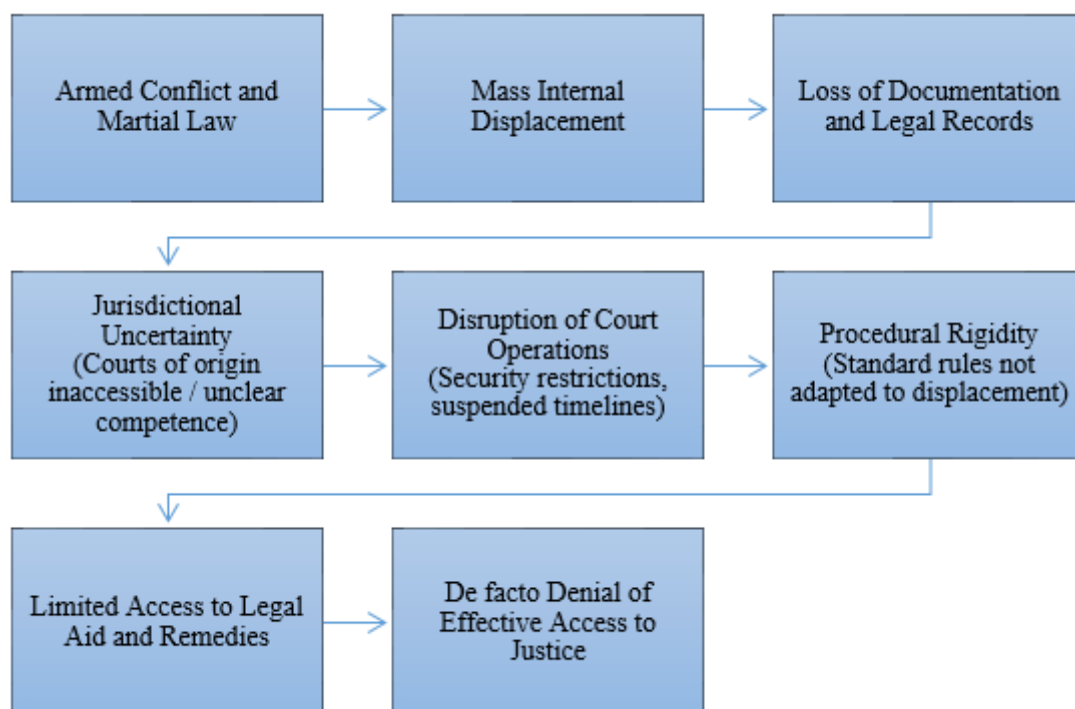


Figure 1. Structural Barriers to Access to Justice for Internally Displaced Persons under Martial Law

People who are internally displaced are particularly vulnerable in this respect, and this is compounded for those who also have disabilities (Stein & Lord, 2023). Pytlivovana (2025) demonstrates that legal invisibility due to displacement occurs when people lose their documents, there is a lack of defined jurisdiction, and there is limited legal assistance. The law is clear, and

judicial decisions have shown that, in spite of the absence of a jurisdiction, the displaced continue to possess legal rights. Nevertheless, the lack of process mechanisms renders those rights as a practical reality (Bahadori, 2025). The findings indicate that while there is an urgent need for effective remedies, national legal systems fail to respond to the reality of displacement during emergencies, thereby exacerbating the absence of justice and negating the social, property, and familial rights of the displaced.

The implementation of human rights under martial law presents challenges, particularly in relation to children and families (Tobin, 2019). Children in armed conflict must be provided with special protective rights; that much is clear. However, the most recent studies show that such violations often stem from the absence of an institution, as opposed to the absence of a law (Pettoello-Mantovani et al., 2025).

Aly (2024) argues that the domestic protection of children under humanitarian law must be integrated into the education system, healthcare system, and child protective services. Dahliat et al. (2025) argue that humanitarian law, human rights law, and the Convention on the Rights of the Child must be integrated as a system. There are many documented instances of children suffering in emergencies because protective measures have not been put in place, and the measures that have been put in place to protect families are detrimental to unity, school availability, and health care access.

Table 2. Children's Rights Obligations and Implementation Gaps under Martial Law

Protected Right	International Legal Standard	Emergency-Time Impact	Identified Implementation Failure
Family unity	CRC; international human rights law (United Nations, 1989)	Forced separation due to evacuation, detention, or displacement	Absence of coordinated family tracing and reunification mechanisms
Right to education	CRC; IHL obligations during conflict (United Nations, 1989)	School closures and displacement disrupt access	Lack of emergency education alternatives and continuity planning
Right to healthcare	CRC; humanitarian law protections (United Nations, 1989)	Reduced access due to security measures and infrastructure damage	Insufficient prioritization of child-specific healthcare needs
Protection from violence	CRC; IHL special protections (United Nations, 1989)	Increased exposure to hostilities and exploitation	Weak institutional child protection systems during emergencies
Best interests of the child	Core CRC principle (United Nations, 1989)	Emergency decisions prioritize security efficiency	Absence of child-impact assessments in emergency governance

According to Toporkova (2024), the risks induced by globalization and contemporary warfare are further exacerbated by the increased pressure on national systems for the protection of children. The findings verify that the measures for the protection of children under conditions of martial law are ineffective, and that the protection of children in these situations requires comprehensive and integrated legal and administrative structures that function during emergencies (See Table 2).

Considering the above, the present article proposes the Integrated Emergency Human Rights Implementation Framework (IEHRIF), designed by Anastasiia Subbotina, the author of this paper, as a model of legal norm and institution for the national systems of law in the condition of martial law. The framework addresses the primary concern of this study, which is the gap between international legal norms and domestic implementation during an emergency.

The IEHRIF is based on the belief that the protection of civilians, internally displaced persons, and children in the situation of martial law is most effective when there is a simultaneous and coherent application of international humanitarian law and international human rights law and integrated national mechanisms. Instead of viewing emergency governance as a legal void, the framework marks the imposition of martial law as an elevated phase of responsibility in the protection of rights. (See Figure 2).

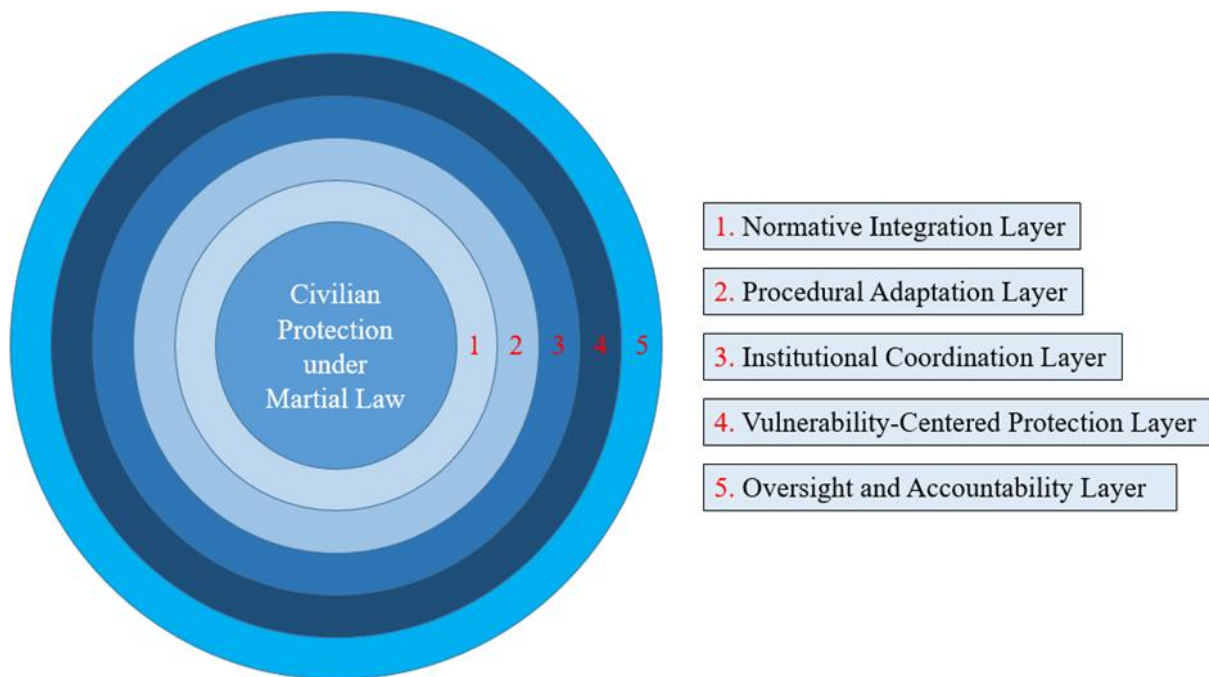


Figure 2. Integrated Emergency Human Rights Implementation Framework (IEHRIF)

Description:

The figure shows the Integrated Emergency Human Rights Implementation Framework (IEHRIF), which this article uses to examine the enforcement of international human rights and humanitarian law during the martial law period. The framework is presented as a five-layer concentric model emphasizing the importance of the integration of the layers.

1. Normative Integration Layer

The first layer of the framework is focused on the integration of norms. A national legal system has to provide for law and policy frameworks for the martial law period, through constitutional and legislative measures, that recognize the co-existing applicability of IHL and IHRL. This means that states have to go further than treaty incorporation, to legislative documents that provide instructions to decision makers on the integration of humanitarian and human rights law. In this layer, the humanitarian law interprets military necessity and the security concerns to be addressed, while the human rights law sets and describes the standards that must be upheld, the rights that cannot be set aside, and the guarantees of the processes that must be put in place. The lack of such integrations explains the divergent administrative and judicial practices, as evidenced by the documented cases on civilian harm and displacement (Ashri, 2019; Mahmutović, 2025).

2. Procedural Adaptation Layer

The second layer shifts to the adaptation of procedures, particularly concerning access to justice. The results show that the standard procedures of judicial systems are not suited to emergencies and displacement. Hence, the IEHRIF needs to incorporate adaptive structural mechanisms that could work under procedures of martial law that do not compromise on justice and effectiveness. These are the lower evidentiary requirements with respect to displaced persons, adaptable principles of jurisdiction, and the uninterrupted provision of legal aid. Such practices respond to the judicial gaps concerning internally displaced persons and affected families and the barriers identified in the practice of internally displaced persons (Popovych, 2023; Pytliovana, 2025). Adaptation of procedures ensures that the international frameworks on the right to effective remedies are more than just lip service.

3. Institutional Coordination Layer

The third layer tackles institutional coordination. The absence of the military, the civilian administrations, the courts, and humanitarian actors working together creates fragmentation and weakens the overall effectiveness of implementation. The IEHRIF captures this gap with the need

for delineation of institutional roles and coordination frameworks that especially integrate the promotion and protection of human rights in the governance of emergencies. The administrative construction of the humanitarian assistance framework exemplifies this layer. Syadrysta et al. (2024) show that the unrefined administrative measures in coordination can unintentionally limit the protection of civilians. Within the framework of the proposed conceptualization, the interrelation of humanitarian access, protection of civilians, and monitoring of rights is redefined and integrated as shared institutional responsibilities, not standalone purposes.

4. Vulnerability-Centered Protection Layer

Since the identification of a vulnerability-centered approach within the fourth layer, additional vulnerable groups impacted by martial law will include children, families, and the internally displaced. The protection of children and the preservation of family unity, even in emergencies, is a basic standard of international law (Pettoello-Mantovani et al., 2025; Tobin, 2019).

It is the responsibility of this layer to ensure national decision-makers avoid a negative rights-based outcome during an emergency, based primarily on the facts of the situation and the rights of the vulnerable. Aly (2024) and Dahlial et al. (2025) point out that the lack of protective measures is a significant contributor to child protection failures. The incorporation of vulnerability into emergency decision-making addresses this concern.

5. Oversight and Accountability Layer

The final area of the framework is oversight and accountability. The emergency powers should be limited by the circuits of the judicial review, the control of parliament, and the independent monitoring bodies. According to Zemko (2024), during the periods of martial law, the oversight of the constitution is the most significant.

The IEHRIF incorporates oversight as an integral part of emergency governance, as opposed to a mere corrective after the fact. The RULAC framework has documented the effects of accountability in a conflict situation, and public accountability has been documented in many situations [6]. However, the effective application of additional oversight will ensure that the extraordinary measures during emergencies will be in line with international standards.

The Integrated Emergency Human Rights Implementation Framework provides a model for filling an implementation gap outlined in the present study. It proposes an amalgamation of different approaches, such as the positive law and value integration, procedural and institutional bridges, the convergence of systems, coordinated and oversight-centered vulnerability and protection, and a systematic account for gaps in the implementation of regional and international standards during a state of emergency. This framework is an original contribution of the article, and it is both analytical and practical for the consideration of the challenges of emergency governance for scholars and practitioners of policy and law.

Although this study has some analytical merit, a number of shortcomings need to be pointed out. To begin with, the regulation and enactment of martial law is context sensitive, meaning it is influenced by specific legal, constitutional, and historical frameworks, as well as the degree of violence associated with the conflict. It follows that the results of this study cannot be generalized at a global scale, but rather, findings need to be assessed within the context of a specific country's legal system and institutional arrangements. Consequently, this analysis favors doctrinal consistency at the expense of losing application pragmatism.

The study also predominantly draws on the normative and jurisprudential branches of law, which restricts the analysis of how effective or otherwise the proposed mechanisms of implementation are. Since judicial pronouncements, statutory instruments, and international instruments provide some guidance on the theory of implementation, they are not sufficient descriptions of the reality of implementation, including administrative, executive, or even the subjective experiences of the target populations, including the IDPs and their families. This kind of limitation emanates from the legal and methodological scope of the study and not from the absence of sufficient empirical evidence on the phenomena.

Lastly, the national level remains scarce regarding the comparative case law involving the working relationship between international humanitarian law and international human rights law. While

various international and regional courts have established key principles on concurrent application, the domestic courts' principles on this relationship, during the prolonged martial law, are still developing. Therefore, this remains a rather less comparative analysis.

It is with this in mind that future research should aim for greater interdisciplinary and empirical focus, including socio-legal and institutional frameworks, to analyze the real application of international standards during emergencies. Research on justice for internally displaced persons, the rights of children, the preservation of family unity, and non-judicial oversight entities is especially warranted. Post-conflict legal normalization longitudinal studies would deepen the understanding of the persistence of human rights protections instituted during martial law.

Conclusion

This research focused on the application of international standards of human rights during the imposition of martial law, paying particular attention to the interface of international humanitarian and international human rights law, the protection of civilians and other affected and disadvantaged groups, and the legal tools that balance the needs of security and rights. The findings indicate that humanitarian law is operational even in the case of martial law, although there are some meticulous and justified restrictions and suspensions, and that the strengthening of the regulation of protection of civilians is due to the combined application of humanitarian law and international law. These legal systems do not work in isolation; rather, they work in a mutually reinforcing, complementary manner, helping to articulate state responsibility during armed conflict and periods of exceptional governance.

The findings further show that effective implementation depends on constitutional provisions, the clarity of the legislations, and the presence of the judiciary, especially with regard to the non-derogable rights and the guarantees of the processes. Justice, in the absence of law, particularly for internally displaced and conflict-affected families and persons, conflict-affected families and persons, and law's justice, remains a question of protective frameworks in the differential. Equally, the protection of children and the preservation of family unity demands specific national actions, even in national law, aligned to the international framework, and that remains applicable, even in the utmost exceptional law. The findings, in their totality, point to the fact that the under the martial law, the rule of law's function is, in part, to signal the absence of certain powers, but to remain regulated and controlled; while the martial law regulation of law, on the international law, is not a suspension of law, but a measure of how laws will respond to the demands of the rights in their extreme form.

References

- Aly, S. A. H. (2024). Protecting children under the IHL. *Academia*, 7(1), 313–332. <https://asjp.cerist.dz/en/article/246084>
- Ashri, M. (2019). Reconciliation of humanitarian law and human rights law in armed conflict. *Hasanuddin Law Review*, 5(2), 209–219. <https://doi.org/10.20956/halrev.v5i2.1348>
- Bahadori, M. (2025). Analysis of the Challenges and Solutions for Converging Human Rights Obligations and Combating Transnational Organized Crimes in the Iranian Legal System. *Legal Studies in Digital Age*, 1–11. <https://doi.org/10.61838/kman.lsd.205>
- Dahlial, F., Maulana, R. F., & Yunarti, S. (2025). Child Protection in International Law: Synergy between CRC, Humanitarian Law, and Human Rights. *RIGGS: Journal of Artificial Intelligence and Digital Business*, 4(1), 410–416. <https://doi.org/10.31004/riggs.v4i1.424>
- Duss, E. (2025). Rule of Law in Armed Conflicts (RULAC). *Geneva Academy*. <https://archives.geneva-academy.ch/research/rule-of-law-in-armed-conflicts.html>
- Geneva Academy of International Humanitarian Law and Human Rights. (n.d.). *Rule of law in armed conflicts (RULAC)*. <https://archives.geneva-academy.ch/research/rule-of-law-in-armed-conflicts.html>
- Gul, S., Saman, A., & Ahmad, F. (2025). The Convergence of Human Rights and Humanitarian Law: Recalibrating Legal Boundaries in Contemporary Conflict. *The Critical Review of Social Sciences Studies*, 3(2), 1391–1403. <https://doi.org/10.59075/g59yx51>

- International Committee of the Red Cross. (n.d.). *The Geneva Conventions of 1949 and their additional protocols and commentaries*. <https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>
- Khylyko, M., & Khylyko, O. (2024). Navigating Global South's ambivalent stance on Russia-Ukraine war. *European political and law discourse*, 11(4), 5-15. <https://doi.org/10.46340/eppd.2024.11.4.1>
- Lăzău-Păcuraru, A. (2025). *International humanitarian law in the context of current conflicts: Special protection areas*. *International Journal of Legal and Social Order*, 5(1), 239. <https://doi.org/10.55516/ijlso.v5i1.239>
- Lysyk, V., & Shperun, K. (2024). UN Practice in Protecting Human Rights During Armed Conflicts. *European Political and Law Discourse*, 11(4), 16–26. <https://doi.org/10.46340/eppd.2024.11.4.2>
- Mahmutović, A. (2025). How Humanitarian and Human Rights Law Shape Conflicts Within States. *Bratislava Law Review*, 9(1), 27–50. <https://doi.org/10.46282/blr.2025.9.1.945>
- Pettoello-Mantovani, C., Zona, M., Scaltrito, F., Cammisa, I., Giardino, I., & Ferrara, P. (2025). International legal implications for children in conflict zones. *Global Pediatrics*, (14), 100285. <https://doi.org/10.1016/j.gped.2025.100285>
- Popovych, K. (2023). Citizens' access to justice during the introduction and implementation of the legal regime of martial law in Ukraine. *Law Journal of the National Academy of Internal Affairs*, 13(3), 55–64. <https://doi.org/10.56215/naia-chasopis/3.2023.55>
- Pytlivovana, V. (2025). Pravovi ta sotsialni prava vnutrishno peremishchenykh osib pid chas voiennoho stanu v Ukraini [Legal and social rights of internally displaced persons during martial law in Ukraine]. *Law & Society*, (12). <https://journals.pnu.edu.ua/index.php/lsp/article/view/9998/9661> (in Ukrainian)
- Stein, M. A. & Lord J. E. (2023). *UN Convention on the Rights of Persons with Disabilities*. United Nations Audiovisual Library of International Law. https://legal.un.org/avl/pdf/ha/crpd/crpd_e.pdf
- Syadrysta, I. I., Yamnenko, T., Kuzmenko, S., Kobzar, O., & Nestor, N. V. (2024). Administrative and legal regulation of humanitarian aid under martial law. *Archives des Sciences*, 74(2), 104–109. <https://doi.org/10.62227/as/74215>
- Tobin, J. (Ed.). (2019). *The UN Convention on the Rights of the Child: A commentary*. OUP Oxford. <https://doi.org/10.1093/law/9780198262657.003.0039>
- Toporkova, M. (2024). International Aspects of the Protection of Children's Rights in the Conditions of War in a Globalized World. *Taikomieji tyrimai studijose ir praktikoje, Applied Research in Studies and Practice*, 20(1), 226-231. <https://ojs.panko.lt/index.php/ARSP/article/view/265>
- United Nations General Assembly. (2006). *Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law* (A/RES/60/147). <https://www.ohchr.org/sites/default/files/2021-08/N0549642.pdf>
- United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/sites/default/files/crc.pdf>
- Wekerle, C. (2024). Considerations for child protection and practice: What is child protection now? *Child Protection and Practice*, (1), 100025. <https://doi.org/10.1016/j.chipro.2024.100025>
- Zemko, A. (2024). Innovative approaches to the protection of human and citizen rights and freedoms under the conditions of martial law. *Law and Innovations*, 2(46), 1152. [https://doi.org/10.37772/2518-1718-2024-2\(46\)-21](https://doi.org/10.37772/2518-1718-2024-2(46)-21)